

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TIMOTHY DIETZ,

Plaintiff,

v.

QUALITY LOAN SERVICE CORP. OF
WASHINGTON; WELLS FARGO HOME
MORTGAGE; WELLS FARGO
BANK,N.A.; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.;
MERSCORP, INC.; McCARTHY &
HOLTHUS LLP; DOE DEFENDANTS 1-
20,

Defendants.

CASE NO. C13-5948 RJB

ORDER TO SHOW CAUSE

This matter comes before the Court on review of the record. On October 31, 2013, the Court filed an Order regarding initial disclosures and joint status report. Dkt. 3 In that order, the Court directed that the parties file a Combined Joint Status Report and Discovery Plan not later than January 29, 2014, pursuant to Fed.R.Civ.P. 16 and Local Rule CR 16(a). *Id.* The Court further directed that Plaintiff or Plaintiff's counsel serve copies of the minute order on all parties

1 who appeared after the order was filed. *Id.* The Court directed that Plaintiff or Plaintiff's
2 counsel would be responsible for starting the communications needed to comply with the order.
3 *Id.* On February 10, 2014, Plaintiff filed second amended complaint (Dkt. 20) and the Court
4 entered an Order noting the deadline for filing the Combined Joint Status Report to May 12,
5 2014. Dkt. 21. On March 7, 2014, notices of appearance were filed by Defendants Quality Loan
6 Service Corp. of Washington and McCarthy & Holthus, LLP. Dkts 24 & 25. Defendants Wells
7 Fargo and MERS were subsequently dismissed from this action on March 25, 2014. Dkt. 30.
8 Defendants Quality Loan Service Corp. of Washington and McCarthy & Holthus, LLP remained
9 in the action. *Id.*

10 May 12, 2014 has passed and the Combined Joint Status Report and Discovery Plan has
11 not been filed in this case, nor have the parties requested an extension of time to comply with the
12 Court's Order. Fed.R.Civ.P. 16(f)(1) provides that the Court, on motion or on its own, may issue
13 "any just orders including those authorized by Fed.R.Civ.P. 37(b)(2)(A)(ii)-(vii)" if a party "fails
14 to obey a scheduling or other pretrial order." Under Fed.R.Civ.P. 37(b)(2)(A)(v), the Court may
15 dismiss an action or proceeding in whole or in part for failure to obey a court order.

16 It is Plaintiff's responsibility to initiate communications needed to comply with the
17 Court's orders requiring a Combined Joint Status Report and Discovery Plan, and he has not
18 shown that he has done so. Accordingly, Plaintiff may show cause in writing, if any he has, why
19 this case should not be dismissed without prejudice under Fed.R.Civ.P.16(f)(1) and
20 37(b)(2)(A)(v).

21 Therefore, it is hereby **ORDERED** that, not later than June 19, 2014, Plaintiff may show
22 cause in writing, if any he has, why this case should not be dismissed without prejudice for
23 failure to comply with Fed.R.Civ.P. 16 and Local Rule CR 16(a).

1 Dated this 28th of May, 2014.

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4 ROBERT J. BRYAN
United States District Judge